

ORDINANCE NUMBER 2756 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 3.24 CONCERNING  
REGULATION OF FIREARMS

WHEREAS, the Constitution of the United States of America affords certain protections to the ownership of firearms; and

WHEREAS, the United States Supreme Court has recognized that the Constitutional protections related to firearms ownership are not unlimited, and can be subject to certain types of governmental regulations; and

WHEREAS, a city's police power includes the power to regulate firearms and many courts throughout the nation have upheld local regulations related to the ownership or possession of firearms; and

WHEREAS, unsecured firearms in retail spaces, residences, and vehicles have been stolen or carelessly left where unauthorized individuals have had access to them, resulting in injuries and death to others; and

WHEREAS, firearm injuries have a significant adverse public health and safety impact nationally, in the State of California, and locally; and

WHEREAS, Chapter 3.24 of the Santa Monica Municipal Code provides for certain regulations for the sale and use of firearms.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 3.24.031 is hereby amended to read as follows:

**3.24.031 Firearms Dealer Permit - Conditions.**

Any firearms dealer permit issued pursuant to this Chapter shall be subject to all of the following conditions:

(a) The permittee shall comply with all Federal and State laws concerning the operation of the permitted business including, but not limited to, California Penal Code Sections 12071(b)(3) - (14), 12072, 12073, 12074, 12076, 12077 and 12082. To the extent the provisions of this Chapter impose more stringent requirements than those contained in State or Federal law, these local provisions shall prevail.

(b) The business shall be carried on only in the building located at the street address shown on the City of Santa Monica permit.

(c) The permittee shall keep complete and current records of all firearms transactions. In addition to the requirements of California Penal Code Sections 12073, 12076 and 12077, permittee shall also keep a complete current inventory of all firearms in stock. This inventory shall include an entry for each weapon, with the classification, serial numbers, and any other information that is required by the Chief of Police for the tracking of the chain of ownership of the firearm.

(d) The permittee shall maintain records of ammunition sales in compliance with the provisions of Chapter 3.25 of this Code.

(e) The premises at which the business is to be operated shall contain all security measures reasonably required by the Chief of Police, which shall include, but not be limited to:

(1) The provision of secure locks, windows and doors, adequate lighting, and such fire and theft alarms as specified by the Chief of Police.

(2) The storing of all firearms and munitions on the premises out of reach of customers in secure, locked facilities, so that access to firearms and munitions shall be controlled by the dealer, or employees of the dealer entrusted to handle firearms, to the exclusion of all others as provided herein and in any administrative regulations issued by the Chief of Police;

(3) At all times, every firearm shall be stored in a secured facility within the meaning of Penal Code Section 17110 or in a locked fireproof safe or vault in the permittee's business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code Section 23650 and which is approved by the Chief of Police or designee, so that the firearms are not visible or accessible anyone other than authorized permittee employees;

(4) No firearm shall be removed from the secured facility except by an authorized employee for inspection by a customer for sale or transport;

(5) All ammunition shall be stored so that it is inaccessible to the public and secured using one of the methods mentioned in Section 3.24.031 (e)(3), and shall not be removed from the secured facility except by an authorized employee for inspection by a customer or for sale or transport.

(f) The permitted business location shall be monitored by a video surveillance system approved by the Chief of Police and that includes cameras, monitors, digital video recorders, audio recorders, and cabling, if necessary, to meet the requirements below:

(1) The interior and exterior of the permitted business facility shall be monitored. The number and location of the cameras are subject to the approval of the Chief of Police. At a minimum, the cameras shall be sufficient in number

and location to monitor the areas of the business premises where firearms or ammunition are stored, sold, transported, or transferred, including, but not limited to, all counters, safes, vaults, cabinets, cases, entryways, and parking areas.

(2) The video surveillance system shall operate continuously, without interruption, whenever the permittee is open for business. Whenever the permittee is not open for business, if not operating continuously, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area.

(3) The sale or transfer of a firearm or ammunition shall be recorded by the video surveillance system in such a way that the facial features of the purchaser or transferee are clearly visible. The video surveillance system or, if applicable, audio recording system, shall record the voices of the purchaser or transferee and the permittee or permittee's employees in such a way that the voices will be clearly audible when replayed.

(4) The video surveillance system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 14 calendar days. The permittee must inspect the system at least weekly to ensure that it is operational, and images are being recorded and retained as required by the Chief of Police. The permittee shall allow the Chief of Police, or designee, to inspect the video surveillance system and audio recorder to ensure operability.

(5) The stored video and audio recordings shall be maintained on the business premises of the permittee for a period not less than 30 days from the date

of recording and shall be made available and accessible to the Chief of Police or other law enforcement agency designated by the City Manager immediately upon request for review and copying, without the need for a search warrant, subpoena, or court order.

(6) Except as provided in Section 3.24.038(d), the permittee shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height:

THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE - YOUR  
IMAGE AND CONVERSATIONS MAY BE RECORDED AND PROVIDED TO  
LAW ENFORCEMENT.

(g) Permittee shall cause to be obtained, and keep in full force and effect a policy of insurance in such form as the City deems proper, executed by an insurance company approved by the City whereby the permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer, or lease, or offering or exposing for sale, transfer or lease, of any firearm. The minimum liability limits shall not be less than one million dollars for damage to or destruction of property in any one incident, and one million dollars for the death or injury to any one person. Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, addressed in care of the Risk Manager, 1717 4th Street, Santa Monica, California 90401, at least thirty days immediately prior to the time such cancellation becomes effective. Upon expiration of any such policy and if no additional insurance has been secured prior to the expiration thereof in the manner provided for the initial securing of a permit under this Chapter, the permit

shall be deemed canceled without further notice or opportunity to be heard.

(h) The permittee shall consent to the City's inspection of the business premises and records for the City to establish continued compliance with the terms of the permit, and in accordance with Section 3.24.036 of this Chapter.

(i) The permit shall not become effective until the permittee has obtained all other permits required by Federal, State or local law including, but not limited to, a business license and zoning and building permits. Violations of this section may result in a permit being revoked.

(j) The Chief of Police may issue administrative regulations consistent with this section.

SECTION 2. Santa Monica Municipal Code Section 3.24.038 is hereby added to read as follows:

**3.24.038 Restricted Admittance of Minors and Other Prohibited Purchasers.**

(a) Except as provided in paragraph (d) below, no permittee or any of the permittee's agents, employees, or other persons acting under the permittee's authority shall allow any person under 18 years of age to enter into or remain on the premises unless accompanied by the minor's parent or legal guardian.

(b) The permittee and any of the permittee's agents, employees, or other persons acting under the permittee's authority shall be responsible for requiring clear evidence of age and identify of persons to prevent the entry of persons not permitted to enter the premises pursuant to Section 3.24.038(a) by reason of age. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, U.S. passport, or any similar

documentation which provides reasonable assurance of the identity and age of the individual.

(c) No permittee or any of the permittee's agents, employees, or other persons acting under the permittee's authority shall allow any person to enter into or remain on the premises who the permittee or the permittee's agents, employees, or other persons acting under the permittee's authority knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to federal, state, or local law.

(d) Notwithstanding the foregoing, a permittee that sells goods other than firearms or ammunition may allow an unaccompanied minor into the premises provided that the permittee uses physical and operational safeguards to prevent an unaccompanied minor from being within 10 feet of where firearms, ammunition, and firearm related accessories are stored or available for inspection. A permittee's physical and operational safeguards as required by this section shall be approved by the Chief of Police, or designee, before unaccompanied minors are allowed into the premises. A permittee operating pursuant to this section must install signage in a conspicuous place in the area where firearms or ammunition are available for inspection or stored that states in block letters not less than one inch in height:

THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE - YOUR  
IMAGE AND CONVERSATIONS MAY BE RECORDED AND PROVIDED TO  
LAW ENFORCEMENT.

SECTION 3. Santa Monica Municipal Code Section 3.24.086 is hereby added to read as follows:

**3.24.086 Use and Possession of Weapons.**

(a) No person shall discharge a firearm into or within the City, except as provided in Section 3.24.010.

(b) No person shall propel any object by a sling shot, bow, or other instrument commonly used or which is designed for the throwing or projecting of any object such as a bullet, shot, rock, stone, arrow, or other projectile. This subsection shall not prohibit the use of pitching machines or similar devices that propel baseballs, footballs, tennis balls, and similar items that are being used for their intended purpose at sports facilities.

(c) No person shall hunt wildlife with any weapon described in this section.

(d) No person under the age of eighteen years shall have in their possession any firearm within the City unless they, at all times during the possession, (1) have on their person the written consent of their parent or legal guardian, or (2) are accompanied by their parent or legal guardian, or (3) are participating in and going to and from an organized, lawful recreational or competitive shooting activity or lawful hunting activity. As used in this subdivision (d), "firearm" means any firearm as defined in California Penal Code Section 16520(a), except: (i) a B-B gun device as described in California Penal Code Section 16250; or (ii) any other firearm the possession of which by minors is regulated by State law.

(e) This section shall not be deemed to make punishable the act of carrying or discharging a weapon in the lawful discharge of the duties of a public officer or private person duly licensed therefor; this section shall not be deemed to make punishable the



act of discharging a weapon in the lawful act of self-defense or defense of other persons.

(f) This section shall not apply to the keeping of lawful weapons at a place of business or residence by a person eighteen years of age or older lawfully in possession of the weapons and lawfully in possession of the property.

(g) This section shall not apply to the keeping or use of weapons on the premises of any lawful shooting gallery, practice range, skeet field, archery range, or similar place conducted at a fixed location and with regard to which adequate safeguards have been provided to protect persons and property from injury and pursuant to any applicable permits or governmental approvals required by the City.

(h) No parent, guardian, or any adult person having the control, custody, or charge of any person under the age of eighteen years, shall knowingly permit, allow, or let said person to use or possess a weapon in violation of this section.

(i) No person, including those with a valid concealed carry weapon license, shall bring into, possess, display, brandish, or discharge a weapon, as defined in California Penal Code Section 171b, including a concealed weapon, in or upon any of the following facilities or areas:

- (1) Any City owned or leased building or other facility, excluding City owned or leased parking garages and parking lots open to the public;
- (2) The Santa Monica Pier;
- (3) Any facility open to the public in which alcoholic beverages are consumed on the premises;
- (4) Churches and other places of worship unless the operator of the church or place of worship clearly and conspicuously posts a sign at the entrance

of the building indicating that concealed carry weapon license holders are permitted to carry firearms on the property;

(5) Sporting events, concerts, shows, farmer's markets, and other community events;

(6) Any public area in which First Amendment protected speech activities, labor picketing, demonstrations, or protests are being conducted;

(7) Public parks and the beach, except to the extent a person lawfully in possession of a weapon may be continuously passing through the periphery upon a public sidewalk or street;

(8) Hospitals and clinics, as defined in Santa Monica Municipal Code Section 9.51.030(A)(8);

(9) Within or upon any privately owned property in which the owner or legal occupant has prominently posted signage at the entry points prohibiting firearms;

(10) For any activity for which a film permit is required pursuant to Municipal Code Section 6.110.030, no live ammunition nor firearm capable of firing live ammunition shall be possessed in the filming area. "Live ammunition" means a cartridge consisting of a case, primer, propellant powder, and a metallic projectile; "live ammunition" does not include simulated, paper, or marking ammunition.

(j) This section shall not apply to the following:

(1) Sworn law enforcement personnel on duty;

(2) Sworn law enforcement personnel off duty, upon showing law

enforcement identification upon entry or demand;

(3) Armed security under contract with the City and pursuant to the terms of the contract, or as may be permitted by the Chief of Police; and

(4) Retired law enforcement officers authorized to carry weapons pursuant to 18 U.S.C. 926C, with proper identification.

(k) The Council, by resolution, and/or the City Manager, by administrative regulation, may provide for and publish further security regulations and/or exceptions to implement this section, including, but not limited to, posting of signage to provide notice of these regulations.

(l) The Chief of Police is authorized to seize and impound any weapon which is kept, possessed, or used in violation of this section, or the ammunition or projectile thereof, and to hold the same for a period of up to thirty days or until claimed by its owner. Such articles may not be returned to any person under the age of eighteen years but may be returned that person's legal guardian or parent.

(m) This section shall not be deemed to make punishable an act or acts which are expressly allowed or preempted by any law of the State or the United States Constitution.

(n) Enforcement and Penalties. A violation of this section is a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Any person who violates this section shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code. The remedies provided in this section are not exclusive, and nothing in this section shall

preclude the use or application of any other remedies, penalties, or procedures established by law.

SECTION 4. Santa Monica Municipal Code Section 3.24.087 is hereby added to read as follows:

**3.24.087 Liability Insurance Requirements for Firearms.**

(a) A person who resides in the City and owns or possesses a firearm in the City shall obtain and continuously maintain in full force and effect a homeowner's insurance policy, renter's insurance policy, firearms liability policy, or other liability insurance policy from an admitted insurer or insurer as defined by the California Insurance Code, specifically covering losses or damages resulting from any negligent or accidental use of the firearm, including but not limited to death, injury, or property damage.

(b) For purposes of this section, a person shall be deemed to be the owner or in possession of a firearm, even if such firearm is lost or stolen, until such loss or theft is reported to the police department or sheriff for the jurisdiction in which such person resides.

(c) Any person subject to this section shall obtain the required insurance within ninety days of the effective date of this ordinance.

(d) This section shall not apply to the following:

(1) Those persons designated as peace officers pursuant to Chapter 4.5 of Title 3 of Part 2 of the California Penal Code Section 830, et seq.), including sworn peace officers, active reserve peace officers, and retired peace officers.

(2) Those persons eligible to proceed without paying court fees and costs pursuant to California Government Code Sections 68632 (a) and (b).

(e) Each person required to maintain insurance under this section shall demonstrate compliance with the insurance requirement by completing and executing an attestation form provided by the City. Each such person shall state the name of the insurance company issuing the policy and the number of the insurance policy on the attestation form, sign the form under penalty of perjury, and keep the attestation form with the firearms where they are being stored. There is no requirement to submit the attestation form to the City; however, the attestation form shall be made available for inspection by a law enforcement official in the event a firearm owned by or in possession of a person required to maintain the attestation form is fired or brandished within the City, except when fired pursuant to Section 3.24.086(g), or lost or stolen. A new attestation form signed under penalty of perjury shall be completed in the event any of the information on the form changes.

(f) Any person who violates any provision of this section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Any person who violates this section shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code.

(g) The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 5. Santa Monica Municipal Code Section 3.24.088 is hereby added to read as follows:

**3.24.088 Safe Storage of Firearms.**

(a) As used in this section, the following definitions will apply:

(1) “Locked Container” means a secure container approved by the California Department of Justice for the storage of firearms, which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. A locked residence, room, closet, or locked vehicle, glove box, center console, or trunk alone shall not be considered a “locked container” for purposes of this section.

(2) “Firearm Safety Device” means a device, such as a trigger lock or cable lock, that is listed on the California Department of Justice’s roster of approved firearm safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device, which shall prevent the firearm from being discharged while secured.

(3) “Residence” means any structure intended or used for human habitation, including, but not limited to, houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time-shares, garages, storage facilities, and recreational or other vehicles in which human habitation occurs.

(4) “Vehicle” means any automobile, truck, bus, trailer coach, recreational vehicle, trailer, motorcycle, or vessel.

(b) No person shall keep a firearm within or upon a Residence or Vehicle unless the firearm is:

(1) Stored in a Locked Container or secured with a Firearm Safety Device;

(2) Carried on the person of the owner or other lawfully authorized user of the firearm who is over the age of 18; or

(3) Within close enough proximity and control that the owner or other lawfully authorized user of the firearm who is over the age of 18 can readily retrieve and use the firearm as if carried on the person.

(c) Any person who violates any provision of this section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment. Any person who violates this section shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code.

(d) The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 6. Santa Monica Municipal Code Section 3.24.089 is hereby added to read as follows:

**3.24.089 Duty to Report Theft or Loss of Firearms.**

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) in the City shall report the theft or loss of the firearm to the Police Department within forty-eight hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the City of Santa Monica; or (2) the theft or loss of the firearm occurs in the City of Santa Monica.

SECTION 7. Santa Monica Municipal Code Section 3.24.090 is hereby added to read as follows:

**3.24.090 Safe Harbor of Firearms.**

(a) Any resident of the City, who is 18 years of age or older, and who has reason to believe that another person who resides in the same residential unit may present an immediate danger to themselves or any other person may voluntarily commit any firearms kept in that residence to the Police Department for safekeeping by contacting the Police Department and arranging for the commitment; this does not authorize any person to appear in person at the Police Department or any City facility with a firearm without having made prior arrangements with the Police Department. The Police Department shall not inquire or request the name of the person believed to be a danger for the voluntary commitment. The Police Department may reject a voluntary commitment if the Chief of Police determines there is insufficient secure space available for storage.

(b) The Police Department shall return any committed firearms to the owner upon request and proof of ownership.



(c) Any committed firearms that the Chief of Police determines to be illegal to own, or possessed by, the person requesting their return shall not be returned unless the requester demonstrates that the requestor, or a party on behalf of the requester, may lawfully own or possess the firearm. Any person with a legal interest in a firearm held pursuant to this section, may petition a court for the return of said firearm within 90 day of the Chief of Police's written determination that it is illegal for the requester to own or possess a firearm committed under this section.

(d) Committed firearms shall be held for a period not to exceed 180 days, unless the owner for the firearms requests an extension of the voluntary commitment in writing for up to one additional 180 day period.

(e) Any firearms that remain unclaimed following the time periods specified in this section, or are determined to be illegal to possess by the person claiming to be the owner, shall be destroyed without compensation or cost to the person claiming to be the owner or any other person.

(f) The Police Department is authorized to establish a records retention policy for voluntary commitment documents in a manner consistent with all applicable law, including, but not limited to, the California Public Records Act. Any such policy shall require the destruction of any records pertaining to a voluntary commitment as soon as permissible under applicable law and shall protect such records from disclosure to the greatest extent permitted under applicable law. The Police Department shall retain records documenting the destruction of any firearms, noting only the dates of commitment, time expirations, illegal status, serial numbers and firearm descriptions, and the fact of destruction.

(g) The Police Department shall prepare and make available regulations and forms to implement this section.

SECTION 8. Santa Monica Municipal Code Section 3.24.091 is hereby added to read as follows:

**3.24.091 Privately Manufactured Weapons.**

(a) It is the purpose and intent of this section that possession, purchase, sale, receipt, and transportation of non-serialized, unfinished frames, and unfinished receivers, which are then converted into privately manufactured non-serialized firearms within the City of Santa Monica be regulated for the protection, health, and welfare of the public, to further effective law enforcement, and to provide the City with reasonable measures to address the dangers to the community posed by non-serialized privately manufactured firearms, commonly known as “ghost guns.” This section is intended to be applied and interpreted consistent with state and federal law, as may be amended.

(b) Definitions. For the purposes of this section, the following definitions apply:

(1) Federal Firearms Importer means a licensed firearm importer as defined in 18 U.S.C. § 921(a)(9), as may be amended.

(2) Federal Firearms Manufacturer means a licensed firearms manufacturer as defined in 18 U.S.C. § 921(a)(10), as may be amended.

(3) Firearm has the same meaning as in California Penal Code Section 16520(a), as may be amended.

(4) Frame means the primary structural component of a firearm to which the fire control components are attached.

(5) Non-serialized firearm means a firearm that is either: (a) not

imprinted with a serial number issued to that firearm by a Federal Firearms Importer or Federal Firearms Manufacturer in compliance with federal law; or (b) not engraved or permanently affixed with a serial number provided by the California Department of Justice for that firearm.

(6) Receiver means the primary structural component of a firearm to which the fire control components are attached.

(7) Unfinished Frame means a piece of any material that does not constitute the completed frame of a firearm, but that has been shaped or formed in any way for the purpose of becoming the frame of a firearm, and which may be made into a functional frame of a firearm through milling, drilling, or other means.

(8) Unfinished Receiver means a piece of any material that does not constitute the completed receiver of a firearm, but that has been shaped or formed in any way for the purpose of becoming the receiver of a firearm, and which may be made into a functional receiver of a firearm through milling, drilling, or other means.

(c) Prohibition Regarding Unfinished Frames or Unfinished Receivers. It is unlawful for any person to:

(1) Possess, purchase, transport, or receive an unfinished frame or unfinished receiver, unless the unfinished frame or unfinished receiver is imprinted with a serial number issued to that unfinished frame or unfinished receiver by a Federal Firearms Importer or Federal Firearms Manufacturer, or engraved or permanently affixed with a serial number provided by the California Department of Justice for that unfinished frame or unfinished receiver.

(2) Sell, offer to sell, transfer, or offer to transfer an unfinished frame or unfinished receiver, unless the unfinished frame or unfinished receiver is imprinted with a serial number issued to that unfinished frame or unfinished receiver by a Federal Firearms Importer or Federal Firearms Manufacturer, or engraved or permanently affixed with a serial number provided by the California Department of Justice for that unfinished frame or unfinished receiver.

(3) Exceptions. The prohibitions in Section 3.24.091(c)(1)-(2) shall not apply to:

(i) a Federal Firearms Importer or Federal Firearms Manufacturer; or

(ii) an employee or sworn peace officer of a local, state, or federal law enforcement agency if the employee or sworn peace officer is acting within the scope of official duties; or

(iii) a common carrier licensed or regulated under state or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property.

(d) Prohibition Regarding Non-Serialized Firearms. It is unlawful for any person to possess, purchase, transport, receive, sell, offer to sell, transfer, or offer to transfer a non-serialized firearm.

(1) Exceptions. The prohibitions in Section 3.24.091(d) shall not apply to:

(i) an employee or sworn peace officer of a local, state, or federal law enforcement agency if the employee or sworn peace officer is acting within

the scope of official duties;

(ii) a common carrier licensed or regulated under state or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property;

(iii) a non-serialized firearm that has been rendered permanently inoperable;

(i) A non-serialized firearm that is an antique firearm as defined in Penal Code Section 16170, as may be amended;

(ii) A non-serialized firearm that is a collector's item, curio, or relic under state or federal law;

(iii) A non-serialized firearm manufactured or assembled prior to 1968; or

(iv) A non-serialized firearm that has been entered into a centralized federal or state registry as being owned by a specific individual or entity if that firearm has been assigned to it a distinguishing number or mark of identification.

(e) Compliance with Penal Code Section 29180, as may be amended, shall be an affirmative defense to a violation of Section 3.24.091(d)

(f) Any person who violates any provision of this section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both

such fine and imprisonment. Any person who violates this section shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code.

(g) The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 9. Santa Monica Municipal Code Section 3.24.091 is hereby added to read as follows:

**3.24.091 Severability**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall take effect 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:  
*DOUGLAS SLOAN*  
61C02D0CAE84432...

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Douglas Sloan, City Attorney

Approved and adopted this 26<sup>th</sup> day of September, 2023.

DocuSigned by:  
*Gleam Davis*  
8FE4004DAD0B40B...  
\_\_\_\_\_  
Gleam Davis, Mayor

State of California            )  
County of Los Angeles       ) ss.  
City of Santa Monica         )

I, Nikima Newsome, Assistant City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2756 (CCS) had its introduction on August 22, 2023 and was adopted at the Santa Monica City Council meeting held on September 26, 2023, by the following vote:

AYES:     Councilmembers Zwick, Parra, Brock, Torosis, de la Torre  
          Mayor Davis, Mayor Pro Tem Negrete

NOES:     None

ABSENT:   None

ATTEST:

DocuSigned by:  
*Nikima Newsome*  
7032651F371E430...  
\_\_\_\_\_  
Nikima Newsome, Assistant City Clerk

\_\_\_\_\_  
10/4/2023  
Date

A summary of Ordinance No. 2756 (CCS) was duly published pursuant to California Government Code Section 40806.